Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:	)	
	)	
Wireless Telecommunications Bureau Seeks Comment on Petition From Sprint Nextel to Allow Wideband Operations in 800 MHz Enhanced Specialized Mobile Radio Service Bands.	)	WT Docket No. 11-110

COMMENTS OF THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission's Public Notice in the above-captioned proceeding.[1] In these comments, NPSTC recommends the Commission allow commercial wideband or broadband operations to be deployed in the ESMR bands only in regions in which rebanding of the 800 MHz NPSPAC channels has been completed and where such wideband use would not interfere with public safety NPSPAC operations not yet rebanded in adjacent regions. While NPSTC does not oppose Sprint Nextel's request, there is an inherent incompatibility between the proposed deployment of wideband/broadband operations in portions of the ESMR 800 MHz spectrum and the continued delays in completing 800 MHz rebanding.

[1] *Public Notice: Wireless Telecommunications Bureau Seeks Comment on Petition From Sprint Nextel to Allow Wideband Operations in 800 MHz Enhanced Specialized Mobile Radio Service Operations in 800 MHz Enhanced Bands, DA 11-1133, released June 30, 2011.*

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

American Association of State Highway and Transportation Officials
American Radio Relay League
Association of Fish and Wildlife Agencies
Association of Public-Safety Communications Officials-International
Forestry Conservation Communications Association
International Association of Chiefs of Police
International Association of Emergency Managers
International Association of Fire Chiefs
International Municipal Signal Association
National Association of State Chief Information Officers
National Association of State Emergency Medical Services Officials
National Association of State Foresters
National Association of State Technology Directors
National Emergency Number Association
National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators and the Utilities Telecom Council.

NPSTC Comments

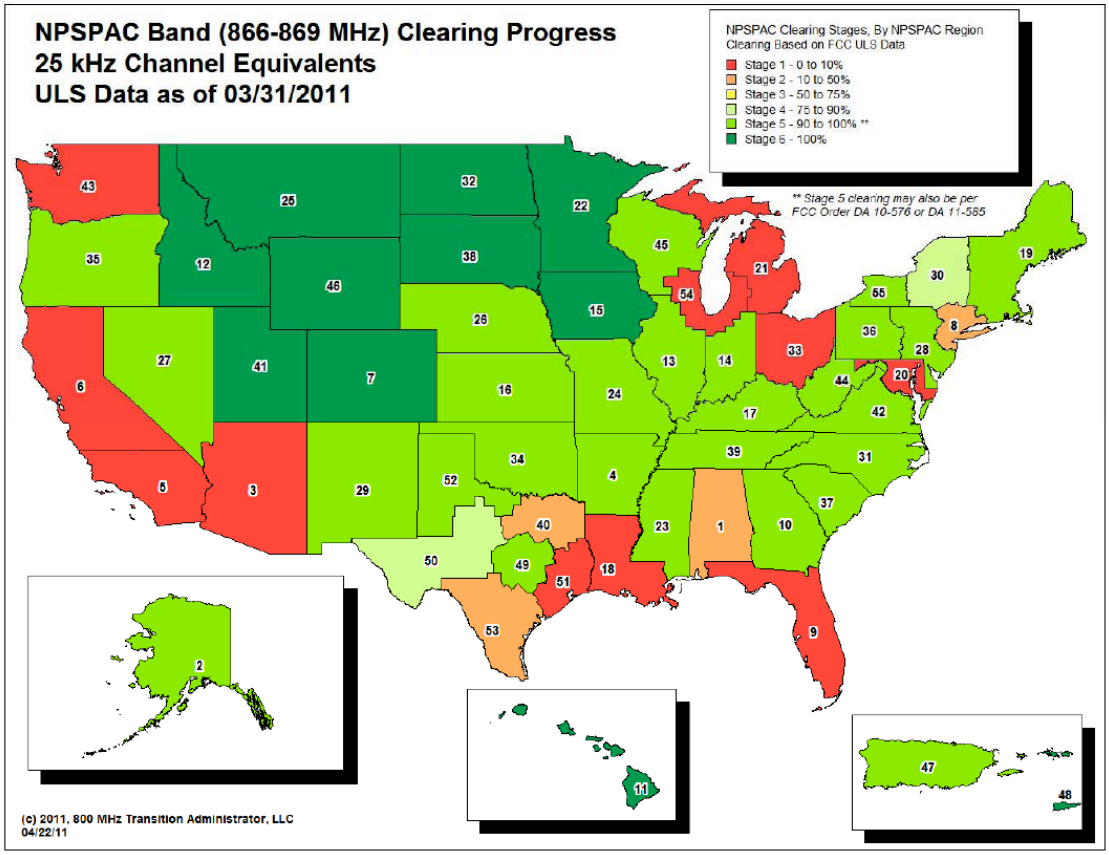
In its Petition for Declaratory Ruling, Sprint Nextel requests that the Commission clarify and declare that the rules permit larger than 25 kHz bandwidth operations in the 800 MHz Enhanced Specialized Mobile Radio (ESMR) portion of the 800 MHz band at 817-824/862-869 MHz. Alternatively, Sprint Nextel requests that the Commission treat its Petition for Declaratory Ruling instead as a Petition for Rulemaking and expeditiously issue a Notice of Proposed Rulemaking (NPRM) to revise the rules. In particular, Sprint Nextel requests that such a proceeding revise Section 90.209 of the rules to the extent needed to authorize ESMR band EA licensees to deploy technologies using bandwidths greater than 25 kHz on their contiguous spectrum assignments.

Sprint Nextel indicates in its Petition that Section 90.209 which limits operations to 25 kHz bandwidth and sets forth the general requirements for all Part 90 services appears to be at odds with Section 90.691 of the Commission's rules which permits wider bandwidths on contiguous EA licenses as long as such operations conform to the out-of-band emission requirements. Sprint Nextel seeks clarification or modification of the rules to ensure that "…Section 90.209 does not prevent Sprint Nextel or any other EA licensee in the ESMR band from deploying broadband technologies

wider than 25 kHz on the 800 MHz spectrum authorized by EA licenses."[2]

NPSTC's interest in this petition is to ensure interference does not occur to public safety operations, which have not yet completed the rebanding transition from the previously designated NPSPAC channels at 821-824/866-869 MHz to the newly designated NPSPAC channels at 806-809/851-854 MHz. Until that transition is completed, there are areas in which the introduction of wideband or broadband operations in the ESMR spectrum could result in interference to public safety operations. A map from the latest status report by the Transition Administrator which tracks and oversees the 800 MHz rebanding process indicates that as of March 31, 2011, there were only 11 of the 54 regions in which rebanding of the NPSPAC channels were complete.[3]

Map 1: NPSPAC Clearing Progress as of March 31, 20110[38]



[2] Sprint Nextel Petition at page 6.

[3] *800 MHZ Transition Administrator, LLC Quarterly Progress Report for the Quarter Ended March 31, 2011,* June 23, 2011, at page 15.

A subsequent filing with the Commission's Public Safety and Homeland Security Bureau dated July 1, 2011 updated the number of regions to 12 of 54 NPSPAC regions that have fully completed 800 MHz band reconfiguration efforts.[4] Specifically, these regions are Alaska, Colorado, Hawaii, Iowa, Minnesota, Montana, Nevada, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

The 800 MHz rebanding process was originally envisioned to be completed in the non-border areas by June 26, 2008. The Commission has repeatedly waived that deadline to provide additional time to accommodate the rebanding process, including cost reimbursement negotiations with Sprint Nextel, finalization of Frequency Relocation Agreements (FRAs) and subsequent rebanding implementation. In addition to the delays in the non-border regions, NPSPAC regions that fall in the Canadian and Mexican border areas are incurring additional significant delays while U.S./Mexico and U.S./Canada agreements are negotiated and approved.

In short, while progress has been made in some regions, it is still not clear when rebanding of the NPSPAC channels in the remaining 42 regions will be completed. Furthermore, the information from both the Transition Administrator and Sprint Nextel show that most of the higher density population areas of the country where the public safety NPSPAC channels would be most heavily used have yet to complete 800 MHz rebanding. In NPSTC's view, these higher population density areas would also be the most likely target markets where a commercial operator would want to provide broadband operation first.

While NPSTC does not oppose Sprint Nextel's request, there is an inherent incompatibility between the proposed deployment of wideband/broadband operations in portions of the ESMR spectrum and the continued delays in completing 800 MHz rebanding. Deployment of "wideband operations" as referenced in the Commission's Public Notice or "broadband technologies" as noted in

[4] See Sprint Nextel's Status Report on 800 MHz band Reconfiguration

the Sprint Nextel request could encompass a wide swath of the originally designated NPSPAC channels. For example, CDMA technology normally operates in a 1.25 MHz channel, which would directly overlap 100 of the originally designated NPSPAC public safety channels if located somewhere within the 821-824/866-869 portion of the band.[5] Similarly, a broadband deployment of a 5 MHz wide LTE channel pair could overlap the entire originally designated NPSPAC band segment of 3+3 MHz and beyond. Therefore, such wideband or broadband operations should only be allowed in the ESMR spectrum on a region-by-region basis in regions where NPSPAC rebanding is 100% completed and in a manner that such deployment would not increase interference to any adjacent region in which NPSPAC rebanding is not yet completed.

In addition to the direct co-channel overlap, the Commission should be mindful of the determinations it made in the 700 MHz proceedings that could also be applicable to 800 MHz if broadband technology were deployed prior to the completion of public safety NPSPAC rebanding. In that proceeding, the Commission, supported by comments from public safety and industry, established a one megahertz guardband between broadband and narrowband operations adjacent to each other in the spectrum to help prevent interference:

> We adopt our tentative conclusion and agree with commenters that an internal guard band is needed between narrowband and broadband operations to minimize interference potential. Accordingly, we adopt a one-megahertz paired guard band (768-769/798-799 MHz) between the broadband and narrowband segments.[6]

Similar concerns would appear to be needed if the Commission envisions allowing broadband or wideband commercial deployment prior to completion of rebanding in a portion of the ESMR spectrum. In other words, if that approach is taken, ESMR operations should be excluded from the

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[5] Public Safety NPSPAC channels use modified 25 kHz wide technology designed to fit a tighter emission mask and the channels are assigned on 12.5 kHz channel centers.

[6] Second Report and Order, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, Released August 10, 2007, at para. 348.

820-824/865-869 MHz portion of the band in a region where rebanding is not yet completed, or where needed to prevent interference to an adjacent region. That approach could prevent direct co-channel overlap to the previously designated NPSPAC channels at 821-824/866-869 MHz plus provide a one megahertz guardband at 820-821/865-866 MHz between broadband and narrowband operations, similar to the plan adopted in the 700 MHz proceeding.

As noted above, NPSTC's primary concern with the Sprint Nextel proposal is preventing interference to public safety operations pending the completion of the 800 MHz rebanding process. This concern exists whether the Commission chooses to proceed with a Declaratory Ruling or a Notice of Proposed Rulemaking. The concerns and recommended limitations included in these comments could be eliminated by the actual completion of 800 MHz rebanding.

Conclusion

Whether the Commission proceeds with a Declaratory Ruling or a Notice of Proposed Rulemaking, NPSTC recommends that the relief being sought by Spring Nextel to deploy broadband technology in the ESMR spectrum be allowed on a region-by-region basis. Only those regions in which rebanding of the 800 MHz NPSPAC channels is completed should be open for Sprint Nextel to deploy broadband, and in those regions the flexibility for such deployment also must not interfere with any NPSPAC operations that have not yet completed rebanding in an adjacent region.

Respectfully submitted,

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